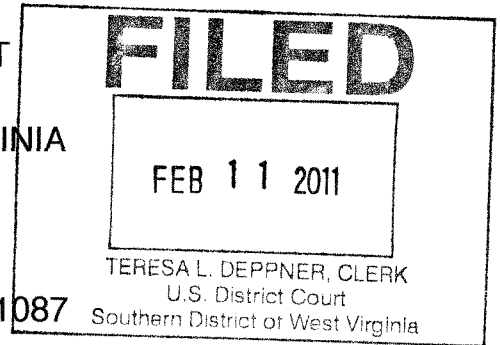


UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF WEST VIRGINIA  
Charleston

United States of America,  
Plaintiff,

v

Case No. 2:10-01087



\$88,029.08  
\$2905.00 is currency and  
\$85,024.08 is a financial instrument  
Defendant.

John F. Tomasic and  
Katherine A. Hoover MD  
Plaintiffs,

v


Mary Stanley, Betty Pullin and  
James Lafferty  
Defendants.

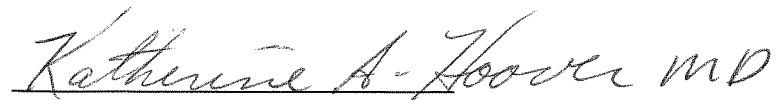
MOTION TO REINSTATE DOCKET NUMBER 38 AND TO NULLIFY MS.  
STANLEY'S RESPONSE

NOW COME John F. Tomasic and Katherine A. Hoover MD, pro se, to establish the law regarding the practice of medicine and to reinstate docket number 38. The lightening speed with which Ms. Stanley responded to Docket Number 38 demonstrates her defensive nature and the absolute need for recusal. Ms. Pullin did not even have an opportunity to respond. Ms. Stanley appears to have violated the Separation of Powers with her response and is acting as the United States attorney by defending Ms. Betty Pullin.

Document 38 filed by John F. Tomasic and Katherine A. Hoover MD may be impertinent but is clearly material and truthful. 21 USC 801 (a)(3)(C) has been attached for the benefit of the Court (see Findlaw Exhibit A). Psychotropic substances include all controlled substances. A psychotropic substance (some are controlled and others are not controlled) is any substance that crosses the blood-brain barrier and affects a person's mood including opiate medications. Opiates cross the blood-brain barrier and bind to opiate receptors to relieve pain. Therefore, Congress has ruled that **"(C)nothing in the Convention will interfere with ethical medical practice..."** (emphasis added). Congress continued to explain who defines ethical medical practice **"ethical medical practice in this country as determined by the Secretary of Health and Human Services on the basis of a consensus of the views of the American medical and scientific**

Respectfully submitted,

  
John F. Tomasic

  
Katherine A. Hoover MD

*Exhibit A*

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## 21 U.S.C. § 801a : US Code - Section 801A: Congressional findings and declarations: psychotropic substances

### Search 21 U.S.C. § 801a : US Code - Section 801A: Congressional findings and declarations: psychotropic substances

- [Search by Keyword or Citation](#)

Search

The Congress makes the following findings and declarations:

(1) The Congress has long recognized the danger involved in the manufacture, distribution, and use of certain psychotropic substances for nonscientific and nonmedical purposes, and has provided strong and effective legislation to control illicit trafficking and to regulate legitimate uses of psychotropic substances in this country. Abuse of psychotropic substances has become a phenomenon common to many countries, however, and is not confined to national borders. It is, therefore, essential that the United States cooperate with other nations in establishing effective controls over international traffic in such substances.

(2) The United States has joined with other countries in executing an international treaty, entitled the Convention on Psychotropic Substances and signed at Vienna, Austria, on February 21, 1971, which is designed to establish suitable controls over the manufacture, distribution, transfer, and use of certain psychotropic substances. The Convention is not self-executing, and the obligations of the United States thereunder may only be performed pursuant to appropriate legislation. It is the intent of the Congress that the amendments made by this Act, together with existing law, will enable the United States to meet all of its obligations under the Convention and that no further legislation will be necessary for that purpose.

(3) In implementing the Convention on Psychotropic Substances, the Congress intends that, consistent with the obligations of the United States under the Convention, control of psychotropic substances in the United States should be accomplished within the

substances provided in the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]. This will insure that (A) the availability of psychotropic substances to manufacturers, distributors, dispensers, and researchers for useful and legitimate medical and scientific purposes will not be unduly restricted; (B) nothing in the Convention will interfere with bona fide research activities; and (C) nothing in the Convention will interfere with ethical medical practice in this country as determined by the Secretary of Health and Human Services on the basis of a consensus of the views of the American medical and scientific community.

[Notes]

« Prev

Congressional  
findings and  
declarations:  
controlled  
substances

Up

Introductory  
provisions

Next »

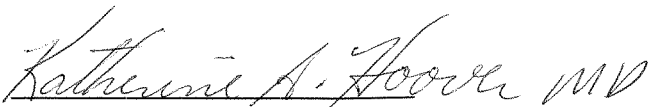
Definitions

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CERTIFICATE OF SERVICE

I, Katherine A. Hoover, do hereby certify that a true and correct copy of the foregoing RESPONSE TO FILING BY MARY STANLEY OF JANUARY 28, 2011 has been sent by fax to the United States District Attorney for the Southern District of West Virginia 304-347-5104 on February 11, 2011.

A handwritten signature in cursive script that reads "Katherine A. Hoover MD". The signature is written in dark ink and is positioned above the printed contact information.

Katherine A. Hoover MD  
c/o Dr. Norman Gay  
N-3222  
West Bay Medical Clinic  
West Bay Street  
Nassau, N.P., Bahamas  
242-525-4018

